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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 EVANS TUTT,

Case No. 3:18-cv-00095-RCJ-WGC

10 Plaintiff,

ORDER

11 v.

12 NEVADA DEPARTMENT OF
13 CORRECTIONS et al.,

14 Defendants.

15 **I. DISCUSSION**

16 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*
17 *pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No.
18 1, 1-1.) The Court has not yet screened the complaint.

19 Plaintiff now files a motion for voluntary dismissal. (ECF No. 3.) Pursuant to
20 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court
21 order by filing "a notice of dismissal before the opposing party serves either an answer or
22 a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants
23 Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has
24 been filed in this case. As such, the Court dismisses this action without prejudice.

25 **II. CONCLUSION**

26 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
27 (ECF No. 3) is granted.

28 It is further ordered that this action is dismissed in its entirety without prejudice.

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It is further ordered that the Clerk of the Court shall enter judgment accordingly.

DATED THIS 24 day of July 2018.



UNITED STATES DISTRICT JUDGE